

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEGACY CAPITAL LTD.,

Appellant,

v.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff,

Appellee.

App. Case. No. 20-cv-06483 (LAK)

Adv. Pro. No. 10-05286 (SMB)

ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL OF APPEAL**

Appellant Legacy Capital Ltd. (“Legacy”), Appellee Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the chapter 7 estate of Bernard L. Madoff, individually, and statutory intervenor Securities Investor Protection Corporation (“SIPC”), by and through their respective counsel and pursuant to Rule 8023 of the Federal Rules of Bankruptcy Procedure, hereby stipulate to the dismissal of the present appeal with prejudice and state as follows:

WHEREAS, Legacy commenced the above-captioned appeal from the Bankruptcy Court’s Final Judgment and Order (the “Judgment”), entered in *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Nov. 26, 2019, ECF No. 231);

WHEREAS, the Clerk of this Court docketed the Notice of Appeal from the Bankruptcy Court (ECF No. 1) on August 14, 2020;

WHEREAS, the Clerk of this Court advised that the record in this appeal was received (Notice of Record of Appeal Availability (Completion), ECF No. 7);

WHEREAS, the Parties jointly requested an extension of the deadlines to accommodate the briefing schedule for a related appeal in the Second Circuit (Letter to Judge Lewis A. Kaplan from Seanna R. Brown Re: Proposed Stipulation and Order Modifying Briefing Schedule, ECF. No. 8);

WHEREAS, under Federal Rule of Bankruptcy Procedure 8023 the clerk of the district court must dismiss an appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due;

WHEREAS, the Parties have conferred and agree to seek voluntary dismissal of this appeal with prejudice.

NOW, THEREFORE, the Parties agree and stipulate as follows:

1. Appellant and Appellee respectfully request that this Court issue an Order of Dismissal; and
2. Appellant and Appellee agree that each party shall bear its own costs and attorneys' fees in connection with this appeal.
3. The Stipulation may be signed by respective counsel for the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 19, 2020
New York, New York

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Counsel for SIPC

SO ORDERED.

Dated: _____, 2020

HONORABLE LEWIS A KAPLAN
UNITED STATES DISTRICT COURT


Dated: November 19, 2020
New York, New York

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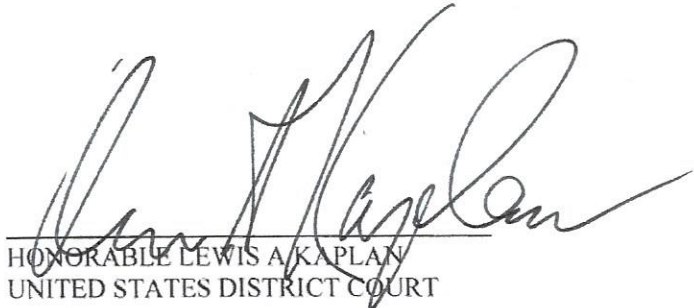
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Counsel for SIPC

SO ORDERED.

Dated: 11/20, 2020


HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT COURT